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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,668	03/29/2004	Luc Vanmaele	27500-201	2420

7590

11/18/2005

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EXAMINER
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BEISNER, WILLIAM H

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

**Application No.**

10/811,668

**Applicant(s)**

VANMAELE ET AL.

**Examiner**

William H. Beisner

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005 and 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9,13,15-38 and 59-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9,13,15-38 and 59-63 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, 13, 22 and 23, drawn to a web with microwells, classified in class 422, subclass 102.
  - II. Claims 16-18, drawn to a method of making a web with microwells, classified in class 427, subclass 595.
  - III. Claims 19-20, drawn to a method of making a web with microwells, classified in class 427, subclass 421.1.
  - IV. Claim 21, drawn to a method of making a web with microwells, classified in class 427, subclass 226.
  - V. Claims 15, 24-38, 62 and 63, drawn to a web with microwells, classified in class 422, subclass 100.
  - VI. Claim 59, drawn to a method of making a web with microwells, classified in class 427, subclass 595.
  - VII. Claim 60, drawn to a method of making a web with microwells, classified in class 427, subclass 421.1.
  - VIII. Claim 61, drawn to a method of making a web with microwells, classified in class 427, subclass 226.

The inventions are distinct, each from the other because of the following reasons:



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2. Inventions of Group I and any of Groups II, III, IV, VI, VII or VIII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as by laminating two different sheets of materials together so as to form the different hydrophilic and hydrophobic regions.

3. The inventions as presently claimed in Groups I and V are deemed to be independent inventions because the specific substrate material feature of the claims of Group I is not required by the claims of Group V and the doubled sided feature of the claims of Group V is not required of the claims of Group I. None of the claims as presently written link together the inventions set forth in Groups I and V.

4. The inventions as presently claimed in Groups II, III, IV, VI, VII and VIII are deemed to be independent inventions. The specific substrate material feature required of the claims of Groups II, III and IV is not required of the claims of Groups VI, VII and VIII. The double sided feature of the claims of Groups VI, VII and VIII is not required of the claims of Groups II, III and IV. The use of a developer feature of the claims of Groups II and VI is not required of the claims of Groups III, IV, VII and VIII. The use of patter-wise applying of hydrophobic areas feature of the claims of Groups III and VII is not required of the claims of Groups II, IV, VI and VIII. The heat ablation feature of the claims of Groups IV and VIII is not required of the claims of Groups



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II, III, VI and VII. None of the claims as presently written link together the inventions set forth in Groups II, III, IV, VI, VII and VIII.

5. Inventions of Group V and any of Groups II, III, IV, VI, VII or VIII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as by laminating three different sheets of materials together so as to form the different hydrophilic and hydrophobic regions.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one Groups of claims is not required for the other Groups of claims in view of the different claimed features, restriction for examination purposes as indicated is proper.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the




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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Beisner whose telephone number is 571-272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William H. Beisner  
Primary Examiner  
Art Unit 1744

WHB